

Approved For Release 2007/03/05 : CIA-RDP84M00395R0001001
28 January 1982

IC REGISTRY,

Please log in and disseminate to front office
OPBC, and OCC. All copies should include the
attachment.

Thank you,



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CONFIDENTIAL

25 January 1982

AFB 4

82-5320

NOTE FOR: Deputy Director of Central Intelligence

FROM: General Counsel

SUBJECT: Fiscal Year 1983 Intelligence Authorization Bill

1. You asked whether the shift of the Intelligence Community Staff budget to classified status affects the language in the Authorization Bill. The answer is yes, and we have made the appropriate changes in Section 101 and in Title II. We were not aware that a decision had been made to classify this information.

2. Under the currently applicable rules regarding classification of national security information (Executive Order 12065), classification at the Confidential level must be justified by a reasonable expectation that exposure could cause identifiable damage to the national security. The proposed revision to E.O. 12065 would eliminate the "identifiable" requirement.

3. The IC Staff budget has been unclassified since the first Intelligence Authorization Act was passed in 1978 for fiscal 1979, and we will almost certainly have to defend the classification in FOIA litigation. A key issue will be whether we can demonstrate that damage to the national security would result from revelation of the differences between [redacted] positions authorized for FY 1982 and [redacted] requested for FY 1983, and [redacted] appropriated for FY 1982 and [redacted] proposed to be authorized for FY 1983.

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4. An attempt to classify a figure which has been unclassified for the past several years could also raise the "open budget" question with respect to funds authorized and appropriated for intelligence activities.

5. I have attached a new version of the authorization package reflecting classified status for the IC Staff authorization, along with the original version.

STAT

[redacted]
Stanley Sporkin

Attachments

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**INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1983**

**SECTIONAL ANALYSIS
AND
EXPLANATION**

TITLE I

INTELLIGENCE ACTIVITIES

Section 101 lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1983.

Section 102 makes clear that details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and personnel ceilings covered under this title for fiscal year 1983 are contained in a classified Schedule of Authorizations. The Schedule of Authorizations is incorporated into the Act by this section.

Section 103 requires that no funds may be appropriated or otherwise made available through transfer, reprogramming, etc., unless specifically authorized or accompanied by notification. It is understood that specifically authorized intelligence activities are those activities described in annual budget justification material as modified by the Congress. The notification requirement is not intended to apply to reprogrammings below agreed-to dollar thresholds, releases from authorized contingency funds, or to Economy Act transactions for specific activities otherwise authorized by law. Notification required under this provision is normally expected to be made at least fifteen days prior to completion of the funding transaction, but it is recognized that circumstances may occasionally require later notification.

Should questions arise as to the relationship between section 103 and section 501 of the National Security Act of 1947, it is expected that resolution will be guided by the principles of comity and mutual understanding set forth in the legislative history accompanying the statutory intelligence oversight provisions enacted in 1980.

Section 104 makes clear that, with the exception of any specific legislative authorities which may be contained in the Intelligence Authorization Act for Fiscal Year 1983, the Act is intended only to authorize appropriations and does not constitute authority for the conduct of any intelligence activity prohibited by the Constitution or laws of the United States.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Subsection 201(a) provides that personnel of the Intelligence Community Staff may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection 201(b) requires that detailed employees be selected so as to provide appropriate representation from the various departments and agencies engaged in intelligence and intelligence-related activities.

Subsection 201(c) requires that personnel be detailed on a reimbursable basis except for temporary situations.

Section 202 provides that the Director of Central Intelligence shall utilize existing statutory authority to manage the activities and to pay the personnel of the Intelligence Community Staff. This language reaffirms the statutory authority of the Director of Central Intelligence and clarifies the legal status of the Intelligence Community Staff. In the case of detailed personnel it is understood that the authority of the Director of Central Intelligence to discharge personnel extends only to discharge from service at the Intelligence Community Staff and not from federal employment or military service.

TITLE III

CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM

Section 301 authorizes fiscal year 1983 appropriations
for the Central Intelligence Agency Retirement and Disability
Fund.

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TITLE V

DEFENSE INTELLIGENCE AGENCY PROVISIONS

Section 501 extends to the Defense Intelligence Agency name, initials, and seal the same protection against misuse which has been afforded to the Central Intelligence Agency and National Security Agency names, initials, and seals (see sections 503 and 603 of P.L. 97-89, the Fiscal Year 1982 Intelligence Authorization Act).

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1983

CHANGES IN EXISTING LAW

Note: Where applicable, changes in existing law are shown as follows: existing law in which no change is proposed is shown in roman; existing law proposed to be struck is enclosed in brackets; new material is underscored.

TITLE I
INTELLIGENCE ACTIVITIES

Section 101: No substantive change.

Section 102: No substantive change.

Section 103: No substantive change.

**Section 104: No substantive change from
section 805 of the fiscal year 1982 Act.**

TITLE II
INTELLIGENCE COMMUNITY STAFF

Subsection 201(a): No substantive change.

Subsection 201(b): No substantive change.

Subsection 201(c): No substantive change.

Section 202: No substantive change.

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TITLE V
DEFENSE INTELLIGENCE AGENCY
PROVISIONS

Section 501: New provision.

**INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1983**

COST ANALYSIS

TITLE I

INTELLIGENCE ACTIVITIES

Section 101: Fiscal Year 1983 authorizations are contained in the classified Schedule of Authorizations.

Section 102: Cost analysis not applicable.

Section 103: Cost analysis not applicable.

Section 104: Cost analysis not applicable.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Subsection 201(a): Cost analysis not applicable.

Subsection 201(b): Cost analysis not applicable.

Subsection 201(c): Cost analysis not applicable.

Section 202: Cost analysis not applicable.

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TITLE V

**DEFENSE INTELLIGENCE AGENCY
PROVISIONS**

Section 501: No programmed expenditures contemplated.